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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,982	10/17/2000	Jeff Scott Eder		2396

2292 7590 08/28/2006

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/688,982	<b>Applicant(s)</b> EDER, JEFF SCOTT	
	<b>Examiner</b> Clement B Graham	<b>Art Unit</b> 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/19/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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### DETAILED ACTION

1. Claims 1-99 has been cancelled an claim 100 has been added.

#### Claim Rejections - 35 USC § 102

2. Rejection under 35 U.S.C 102(e), Patent Application Publication or Patent to Another with Earlier Filing Date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 100, is rejected under 35 U.S.C. 102(e) as being anticipated by McManus, et al (Hereinafter McManus U.S Patent 6, 401, 070).

As per claim 100, McManus discloses a system for forecasting the value of business tangible elements of value, intangible elements of value, real options and combinations thereof after user specified changes, comprising:

- (a) processing means for processing data;
- (b) storage means for storing data;
- (c) first means for obtaining data related to the value of the business

enterprise, the business enterprise having one or more tangible or intangible elements of value contributing to the value of the business enterprise, one or more real options contributing to the value of the business and the value of the business enterprise including a revenue component, an expense component and a capital component(see column 2 lines 21-67 and column 4-10 lines 1-67) (d) second means for calculating, for each one of the tangible or intangible elements of value(see column 2 lines 21-67 and column 4-10 lines 1-67) a vector characterizing performance of the tangible or intangible element of value of the business enterprise; where said means further comprises means for combining composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative rankings, link counts, frequencies, time periods, average time periods, cumulative time

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periods, rolling average time period, cumulative total values, period to period rates of change to calculate the vector(see column 2 lines 21-67 and column 4-10 lines 1-67)

(e) third means for calculating the real option category of value, the revenue, expense and capital components of the value of the business enterprise;

(f) fourth means for determining, for each one of the tangible or intangible elements of value(see column 2 lines 21-67 and column 4-10 lines 1-67) a percentage of the real option category contributed by the tangible or intangible element of value, a percentage of the revenue component contributed by the tangible or intangible element of value, a percentage of expense component contributed by the tangible or intangible element of value and a percentage of the capital component contributed by the tangible or intangible element of value(see column 2 lines 21-67 and column 4-10 lines 1-67)

(g) fifth means for calculating a value for each of the tangible or intangible elements of value of the business enterprise based on the revenue, expense and capital components of value and the real option category of value of the business enterprise and the percentages of the revenue, expense, capital and real option category contributed by the tangible or intangible elements of value; (see column 2 lines 21-67 and column 4-10 lines 1-67)

(h) sixth means for displaying the values;

(i) seventh means for user modification of, for each one of the tangible and intangible elements of value, selected one or ones of the value drivers that drive the value of the business enterprise(see column 2 lines 21-67 and column 4-10 lines 1-67)

(j) eighth means for calculating a value for each of the tangible or intangible elements of value of the business enterprise based on the value of the business enterprise and the percentage of the value contributed by the tangible or intangible elements of value after user modification; and

(k) ninth means for displaying the new value. (see column 2 lines 21-67 and column 4-10 lines 1-67).

### **RESPONSE TO ARGUMENTS**

8. Applicant's arguments filed on 5/19/06 has been fully considered but they are moot in view of new grounds of rejections.

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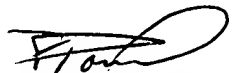
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

August 18, 2006

  
**FRANTZY POINVIL**  
**PRIMARY EXAMINER**  
*AU 3628*